

REMARKS

In this Amendment, Applicant has amended **Claims 8, 15 – 18, 20 – 25, 27 – 29, 33, 39, 40, 44, 54, and 63 - 65**. No new matter is added. Accordingly, **Claims 8 - 68** are currently pending.

Editorial amendments have been made throughout the claims to correct grammatical errors and other informalities, such as ensuring that proper antecedent basis is recited for all features of the claims. None of these amendments introduce new matter, nor are they intended to alter the scope in view of any of the cited references. Favorable consideration is respectfully requested.

CLAIM REJECTION - 35 U.S.C. 102

In this Office Action, Claims 8, 9, 11, 14, 33, 39 - 44, and 50 - 56 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Utsumi (5,796,816).

Applicant respectfully traverses the rejection and requests that the rejection be reconsidered and withdrawn.

Claim 8

Claim 8 recites, in part (*emphasis added*):

deleting, by the computer based calling system, the first phone number and the second phone number ***from the stored list*** in response to ***the completion of the first call and the second call***, respectively, wherein ***the completion of the first call or the completion of the second call*** ***includes contacting an intended recipient of a user.***

Applicant previously argued in the Response filed December 19, 2011 that the above recited claim features are not taught by Utsumi. The current Office Action, however, asserts in the Response to Arguments section (*emphasis added*):

Regarding applicant's arguments that the Utsumi reference does not disclose specifically "Thus, the system of Utsumi '816 is not deleting messages from the call list in response to "a completion of the first call... wherein the completion of the first call or a completion of the second call includes contacting an intended recipient of the user."

The examiner wishes to point to the applicant to the Utsumi reference, specifically

wherein *Utsumi teaches the deletion of numbers from a telephone list when dialing of the number results in unresponsive communication response from the dialed terminal.* (Col. 1 line 19 - 24) The conventional art teaches wherein a telephone number list will be processed and *numbers that are determined to be "null" will be deleted from the list or to be replaced with correct new telephone numbers.* (Col. 1 line 29 - 32).

Applicant respectfully disagrees with the above argument.

The argument above specifically states that when the number is determined to be "null," it will be deleted from the list. Utsumi, however, teaches the deletion of "null" telephone numbers without completing phone calls:

It is an object of the present invention to provide a cleaning method for a telephone number list and a system therefor, which can automatically and efficiently perform a process of deleting null telephone numbers using a personal computer or the like, without making phone calls on actual business basis.

(See col. 1, lines 51 – 55). Utsumi further teaches the cleaning at Col. 1, lines 19 – 32 which specifically recites:

In various businesses utilizing a telephone, a telephone number list of customers is quite important information and thus has to be maintained frequently for *deleting telephone numbers which have become unnecessary from the list to prevent degradation of the value of the contained information.* The customer information in such lists naturally contains variable information. Namely, *the telephone number of the customer may be varied due to termination of use of the registered telephone number, changing to other telephone number, and can be null because of original registration of a wrong number. Such null telephone numbers have to be deleted from the list or to be replaced with correct or new telephone numbers.*

In contrast to Utsumi, however, **Claim 8** recites:

deleting, by the computer based calling system, the first phone number and the second phone number *from the stored list* in response to *the completion of the first call and the second call*, respectively, wherein *the completion* of the first call or *the completion* of the second call *includes contacting an intended recipient of a user*

Furthermore, Utsumi defines a “null” telephone number as:

(c) Null telephone number

If the cause number picked up in step 402 conforms to either of the following ones, the telephone number in the SETUP message is determined null and is added to a null telephone number list. (Steps 403, 405, 407 to 408)

[Cause No. 1--Unallocated (unassigned) number]

[Cause No. 2--No route to specified transit network]

[Cause No. 6--Channel unacceptable]

(See col. 8, lines 27 – 34). Applicant submits that none of the above causes which describes a “null telephone number,” correspond to “contacting an intended recipient of a user,” as recited in **Claim 8**. Therefore, for at least these reasons, Applicant submits that Utsumi fails to teach each element of **Claim 8** and requests that the rejection be reconsidered and withdrawn.

For at least the same reasons that **Claim 8** is patentable over the cited reference, it is respectfully submitted that **Claims 21, 33, 44, and 54** are also patentable, to the extent that **Claims 21, 33, 44, and 54** recite similar features to allowable **Claim 8**. Accordingly, for at least the reasons set forth above regarding independent **Claim 8**, Applicant respectfully submits that Utsumi also fails to teach each feature of independent **Claims 21, 33, 44, and 54**; and, therefore, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

With respect to dependent **Claims 9 – 20, 22 – 32, 34 – 43, 45 – 53, and 55 – 68**, these claims variously and ultimately depend from independent **Claims 8, 21, 33, 44, and 54**. Accordingly, these claims are allowable at least by virtue of their dependency from **Claims 8, 21, 33, 44, and 54**. They are also allowable because of the additional features recited therein.

CLAIM REJECTION - 35 U.S.C. 103(a)

In the Office Action, Claims 10, 34-36, 45-47, and 57 - 60 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Utsumi.

Applicant traverses the rejection, and respectfully requests that the rejection be reconsidered and withdrawn. In particular, Applicant respectfully submits that a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), the rejection must show that the cited references, when combined, teach or suggest all of the claimed features. See MPEP § 2143. Applicant submits that Utsumi fails to teach or suggest all of the features as set forth in the rejected claims.

The Office Action acknowledges that Utsumi fails to teach or suggest all the features of **Claims 10, 34 - 36, 45 - 47, and 57 – 60**, but then takes Official Notice to cure the shortcomings of Utsumi. To properly take Official Notice, the Office Action must provide a reference to show that the above aspects of the present invention are capable of instant and unquestionable demonstration as being “well-known”, as required by MPEP § 2144.03. In this case, the Examiner does not cite a reference which cures the deficient teachings of Utsumi with respect to **Claims 8, 21, 33, 44, and 54**. Therefore, since the Examiner does not cite a reference which cures the deficient teachings of Utsumi and since **Claims 10, 34 - 36, 45 - 47, and 57 - 60** variously and ultimately depend from independent **Claims 8, 21, 33, 44, and 54**, Applicant submits that **Claims 10, 34 - 36, 45 - 47, and 57 – 60** are patentable at least by reason of their dependency. They are also allowable because of the additional features recited therein.

Accordingly, Applicant respectfully requests that the respective rejection of **Claims 10, 34 - 36, 45 - 47, and 57 – 60** under 35 U.S.C. §103(a) be reconsidered and withdrawn.

In the Office Action, Claims 12, 13, 15 - 32, 37, 38, 48, 49, 61 - 68 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Utsumi in view of lwase (US 5,075,894).

Claims 12, 13, 15 - 32, 37, 38, 48, 49, and 61 - 68

With respect to **Claims 12, 13, 15 - 32, 37, 38, 48, 49, and 61 - 68**, as these claims ultimately depend from **Claims 8, 21, 33, 44, and 54**, Applicant respectfully submits that **Claims 12, 13, 15 - 32, 37, 38, 48, 49, and 61 - 68** are allowable over the purported combination of Utsumi and lwase.

lwase does not cure the deficiencies of Utsumi as there is no teaching or suggestion in lwase of:

deleting, by the computer based calling system, the first phone number and the second phone number *from the stored list* in response to *the completion of the first call and the second call*, respectively, wherein *the completion* of the first call or *the completion* of the second call *includes contacting an intended recipient of a user*

Thus, Utsumi and lwase, whether taken alone or in combination, at least fail to teach or suggest the above emphasized features of **Claim 8**, and similarly, **Claims 21, 33, 44, and 54**.

Therefore, it is respectfully submitted that **Claims 12, 13, 15 - 32, 37, 38, 48, 49, and 61 - 68** should also be allowable over the cited references, including the purported combination of Utsumi and lwase, because of at least their ultimate dependency from an allowable base claim, and also for the additional features that each of **Claims 12, 13, 15 - 32, 37, 38, 48, 49, and 61 - 68** recites. Accordingly, Applicant respectfully requests that the respective rejection of **Claims 12, 13, 15 - 32, 37, 38, 48, 49, and 61 - 68** under 35 U.S.C. §103(a) be reconsidered and withdrawn.

CONCLUSION

All objections and rejections having been addressed, it is respectfully submitted that the present application is now in condition for allowance, and early and forthright issuance of a Notice to that effect is earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed above.

Respectfully Submitted,

Brundidge & Stanger, PC

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